

RCE/160

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: 1647
GRONHOJ-LARSEN, et al.) Examiner: HAMUD, F.
Serial No.: 09/101,825) Washington, D.C.
Filed: July 17, 1998) April 2, 2002
For: SYNTHETIC IL-10 ANALOGUES) Docket No.: GRONHOJ-LARSEN=2

REQUEST FOR CONTINUED EXAMINATION (RCE)

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Honorable Commissioner of Patents
Washington, D.C. 20231

S i r :

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114 (must check "a" or "b")

a. ☒ [X] Previously submitted

i. ☒ [X] Consider the amendment and supplemental amendment under 37 C.F.R. § 1.116 previously filed on March 4, 2002.

(Any unentered amendment(s) referred to above will be entered)

ii. ☐ [] Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ [] DO NOT consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____

b. ☐ [] Enclosed

i. ☐ [] Amendment/Reply

ii. ☐ [] Affidavit(s)/Declaration(s)

iii. ☐ [] Information Disclosure Statement (IDS)

iv. ☐ [] Other

2. Miscellaneous

a. ☐ [] Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required).

b. ☐ [] Other

04/03/2002 CNGUYEN 00000048 09101825

01 FC:179
02 FC:117

740.00 OP
520.00 OP

USSN - 09/101,825

3. Fees

a. small entity status

☐ small entity status was previously asserted on _____.

☐ small entity status is now asserted.

b. Fee Calculation

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e): \$

☐ 370.00 (small entity) ☒ 740.00 (large entity)

(The RCE fee is set at an amount equal to the basic filing fee of a utility application; small entity reduction is available.)

ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

Small Entity

Response filed within:

___ first -\$ 55.00

___ second -\$ 200.00

___ third -\$ 460.00

___ fourth -\$ 720.00

___ fifth -\$ 980.00

Non-Small Entity

Response filed within:

___ first - \$ 110.00

___ second - \$ 400.00

XX third - \$ 920.00

___ fourth - \$1,440.00

___ fifth - \$1,960.00

month after time period set. month after time period set.

(less \$400.00 already paid for two months extension of time on March 4, 2002).

iii. Other

(RCE fee need not include excess claims fee for claims previously paid for)

(Col. 1)		(Col. 2)		(Col. 3)		Small Entity		Other Than a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Additional Fee	Rate	Additional Fee
Total	51	Minus	55	0		x 9	\$	x18	\$
Indep.	2	Minus	4	0		x42	\$	x84	\$
First Presentation of Multiple Dependent Claim						140	\$	+280	\$
TOTAL ADDITIONAL CLAIMS FEE							\$	Total	\$

c. The total fee due is therefore \$1,260.00.

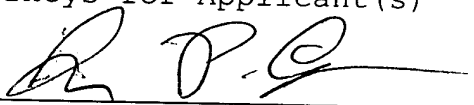
USSN - 09/101,825

d. PAYMENT BY

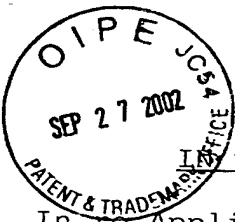
- i. ☐ Check (#) in the amount of :
- ii. ☒ Credit card (Form PTO-2038 enclosed) authorized in the amount of \$1,260.00
- iii. ☐ Charge \$ _____ to Deposit Account No. 02-4035
- e. ☒ Provisional extension of time if needed. Applicants authorize any charge of additional fees (**except issue fee**) which may be required in connection with this application, for this paper or any later filed paper, to Deposit Account No. 02-4035.
- f. ☒ The director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By: 
Iver P. Cooper
Reg. No. 28,005

624 Ninth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 628-5197
Facsimile: (202) 737-3528
IPC:lms
F:\,P\Plou\GronhojLarsen2\ptorce.wpd



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GRONHOJ-LASRSSEN, et al.) Examiner: HAMUD, F.
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Filed: July 17, 1998) September 27, 2002
For: SYNTHETIC IL-10 ANALOGUES) Docket No: GRONHOJ-LARSEN=2
Confirmation No.: 1107

1642/1738
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RESPONSE UNDER RULE 1.115

Commissioner of Patents
Washington, D.C. 20231

S i r :

In response to the office action mailed July 2, 2002, please enter the following remarks.

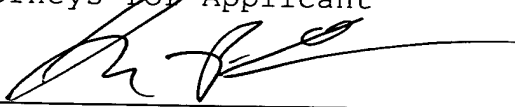
REMARKS

1. The sole rejection in this case is an "obviousness-type" double patenting rejection against claims 18-22, 24-41, 49-53, 61, 63, 65-79 and 80-82 over claims 1-39 of USP 6,159,937. The Examiner concedes that this rejection can be overcome by a timely filed terminal disclaimer. A suitable TD is enclosed herewith.

2. Claim 47 was objected to as dependent on a rejected base claim. Since the TD removes the rejection to the base claim, the objection is moot.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

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Reg. No. 28,005

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Washington, D.C. 20001
Telephone: (202) 628-5197
Facsimile: (202) 737-3528
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